

**Town of Sunset Beach  
Monthly Council  
Work Session and Regular Meeting  
April 4, 2011**

**MINUTES**

**Members Present:** Mayor Ronald Klein, Mayor Pro-Tem Lou DeVita, Councilman Bob Bobinski, Councilwoman Karen Joseph, Councilwoman Carol Scott, and Councilman Wilson Sherrill.

**Members absent:** None

**Attorney & Staff Present:** Gary Parker, Town Administrator; Mike Isenberg, Town Attorney; Donna Rogers, Finance Director; Dustin Graham, Public Works Department Director; Chris Barbee, Fire Chief; Lisa Massey, Police Chief, Sandy Wood, Chief Building Inspector and Lisa Anglin, Town Clerk.

**Work Session  
6:45 pm**

Mayor Klein called the Work Session to order; called for agenda amendments and general discussions by the Council.

**Draft Agenda Discussion**

Gary Parker advised that Hope Sutton, NC Coastal Reserve and National Estuarine Research Reserve, is unable to attend this meeting and requested to be added to the May Agenda; the Council agreed. Attorney Isenberg advised that a Closed Session needs to be added to the agenda concerning the handling of the action entitled “Margaret K. McCarrel vs. State of North Carolina and Town of Sunset Beach, 10 SP 1205” and to approve the March 7, 2011 Closed Session Minutes; the Council agreed.

**Volunteer of the Year**

Councilwoman Joseph announced that Councilman Wilson Sherrill was named Volunteer of the Year by the Brunswick County Chamber of Commerce; Councilman Sherrill received a round of applause from those in attendance.

**New Town Website**

Councilwoman Joseph announced that the new Town website is live, encouraged everyone to visit the site and requested that comments and suggestions be directed to the Town Clerk Lisa Anglin by email at [sunsetbeach@atmc.net](mailto:sunsetbeach@atmc.net).

**Sewer Vent Pipes Discussion**

Councilwoman Scott suggested the Council consider an ordinance regulating the placement of the Sewer Vent pipes “Candy Canes” on individual lots. The Council reached a consensus that further research was needed and that contact needs to be made with Brunswick County to discuss compliance issues.

**Work Session (Cont.)**

**Roll Carts Discussion**

Mayor Pro-Tem DeVita distributed charts detailing the number of trash carts rolled back to island properties for the first two weeks of March. The charts also detailed the number of private homes and rental properties that utilize the service. Mayor Pro-Tem DeVita requested the Council schedule a meeting to discuss this service being discontinued.

**Parking Restrictions**

Dustin Graham advised that the no parking signs are on back order and will be installed as soon as received. Gary Parker advised that the parking restrictions can't be enforced by the Police Department until the signs are installed.

## **Monthly Meeting** **7:00 pm**

### **Call to Order & Pledge of Allegiance**

Mayor Klein called the Monthly Meeting to order at 7:00 pm and the Pledge of Allegiance was recited by those in attendance.

### **Presentation – Dottie David-Wilson, Ingram Planetarium Executive Director**

Mrs. David-Wilson presented the following information to the Council:

Did you know that in 2010...

- More than 36,000 tourists from 59 counties, 29 states and 12 countries came to experience this educational destination
- More than 22,246 children and their families participated in one or more of the 40 science programs aligned with the NC/SC standards of learning
- More than 27,342 visitors attended our special programs
- More than 135 senior citizens provided more than 6,200 hours of volunteer service
- More than 812 children, 81 teachers from 14 schools participated in school field trips

### **New Initiatives**

- In 2011, from Memorial Day to Labor Day, the Planetarium will be open to the public with additional days, extended hours and additional shows to meet the tourist's needs. The Planetarium will be open 5 days from 10:00 through 8:00, Saturday from 10:00 to 5:00. The new schedule adds 5 dome shows, 4 additional laser shows
- We are exploring the opportunity with Brunswick County School System to have the Planetarium and Museum as a County "hub" for educators requiring CEU units. Each of the 800 educators in the county is state mandated to earn 15 units/150 hours of continuing education over a 5 year period.
- We appreciate the residents of Sunset Beach. Therefore, we have designated Sunset Beach Residents Appreciation Day on May 6 and 7<sup>th</sup>. Half price off admission into the planetarium (with proof of residence). If you have the contact information to help us publish this on the website, newsletters, email blasts etc., we would appreciate it.
- We are also exploring the opportunities using the Planetarium as a meeting/rental destination.

### **Public Comments**

None

### **Minutes Approval**

COUNCILMAN SHERRILL MADE A MOTION TO APPROVE THE MARCH 7, 2011 REGULAR COUNCIL MEETING MINUTES AND THE MARCH 11, 2011 SPECIAL MEETING MINUTES AS WRITTEN. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Departmental Reports**

Administrator

No Report given.

Police

Report submitted in writing and is on file with the Town Clerk; no verbal report given.

Public Works

Report submitted in writing and is on file with the Town Clerk; no verbal report given.

Building Inspections Department

Report submitted in writing and is on file with the Town Clerk; no verbal report given.

Fire

Report submitted in writing and is on file with the Town Clerk; no verbal report given.

**Old Business**

Consideration of a Resolution to Adopt the Final Hazard Mitigation Plan

The Council and Landin Holland, Holland Consulting Planners, reviewed the Hazard Mitigation Plan. The following changes were made:

Objective #1, Strategy #1: All future community facilities developed by the Town of Sunset Beach will be located, when feasible, outside of the defined flood hazard area. This includes all facilities required to provide daily services to Town citizens and visitors.

Objective #3, Strategy #13: The Town of Sunset Beach will provide funding for all appropriate staff members/departments to secure certifications and continuing education including building inspections, floodplain management, fire service training, police department training, and emergency management training.

Objective #9, Strategy #44: Sunset Beach will maintain information at the Rourk Branch Library located in Shallotte relating to floodplain protection and mitigation. This effort will be carried out as part of the Town's Community Rating System (CRS) program.

Objective #9, Strategy #45: The Town will continue to ~~mail out a Town newsletter quarterly~~ provide seasonally relevant information to citizens. ~~As an element of this newsletter, the Town~~ This information will include information relating to emergency preparedness and floodplain protection.

Attorney Isenberg advised that the fourth Whereas clause of the Resolution should reference Article 1 Chapter 166A instead of Section 1 Part 166A.

COUNCILWOMAN JOSEPH MADE A MOTION TO CORRECT THE FOURTH WHEREAS CLAUSE OF THE RESOLUTION AS STATED ABOVE AND TO APPROVE THE RESOLUTION ADOPTING THE FINAL HAZARD MITIGATION PLAN CONTINGENT UPON THE AFORMENTIONED AMENDMENTS BEING MADE. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Old Business (Cont.)**

Consideration of Payoff for the Town Hall/Fire Department and Fire Truck Notes

Gary Parker advised that an additional conversation with the Bank concerning the payoff for the Town Hall/Fire Department and Fire Truck notes would result in a net savings to the Town of \$37,000.

MAYOR PRO-TEM DEVITA MADE A MOTION NOT TO PAY OFF THE TOWN HALL/FIRE DEPARTMENT AND FIRE TRUCK NOTES. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**New Business**

Consideration of the Adoption of the Sunset Beach Public Records Request Policy

The Council reviewed and discussed the proposed Public Records Request Policy, the accompanying Form and North Carolina General Statutes concerning public records. Each Council member agreed to individually review the information in more detail and to hold another discussion during the May Meeting.

COUNCILMAN SHERRILL MADE A MOTION TO TABLE THE CONSIDERATION OF THE ADOPTION OF THE SUNSET BEACH PUBLIC RECORDS REQUEST POLICY UNTIL THE MAY COUNCIL MEETING. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of the Adoption of the Sunset Beach Fee Schedule

The Council reviewed the proposed Fee Schedule. Gary Parker advised that per copy fees were compared with surrounding municipalities. The Council discussed the Extensive Research Service Charge.

COUNCILWOMAN JOSEPH MADE A MOTION TO REDUCE THE 8 ½ X 11 BLACK AND WHITE COPY FEE TO \$.05 PER COPY; TO DELETE THE EXTENSIVE RESEARCH SERVICE CHARGE AND TO APPROVE THE FEE SCHEDULE AS AMENDED. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Awarding the Fire Station #2 Construction Contract

Scott Garner, Garner & Brown Architects, advised the Council that 17 construction bids were received for the Fire Station #2 project. Bordeaux Construction from Durham, North Carolina submitted the lowest bid at \$1,622,500. Mr. Garner advised that less the alternate deductions and plus a contingency fund of \$65,846, the total construction cost is \$1,523,625. Mr. Garner requested the Council award the Fire Station #2 Construction Project to Bordeaux Construction at a cost of \$1,523,625.

COUNCILMAN SHERRILL MADE A MOTION TO AWARD THE FIRE STATION #2 CONSTRUCTION PROJECT TOTALING \$1,523,625 TO BORDEAUX CONSTRUCTION. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**New Business (Cont.)**

**Consideration of Awarding the Fire Station #2 Construction Contract (Cont.)**

Mr. Garner and the Council discussed the procedure for accessing the contingency fund.

COUNCILMAN SHERRILL MADE A MOTION TO ALLOW THE TOWN ADMINISTRATOR TO REVIEW AND APPROVE REQUESTS FOR THE USE OF THE FIRE STATION #2 CONSTRUCTION PROJECT CONTINGENCY FUND. COUNCILWOMAN SCOTT SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Mr. Garner advised the nine month project will begin on May 1, 2011.

**Consideration of a Waiver or Amendment of Ordinance 110.02**

Gary Parker advised that the Old Bridge Preservation Society has requested permission to conduct fundraisers on the present site of the Old Bridge; presently Ordinance 110.02 prohibits this activity. Attorney Isenberg recommended an amendment instead of a waiver. The Council agreed that the application must be submitted to the Town at least 14 days prior.

COUNCILWOMAN SCOTT MADE A MOTION TO AMEND ORDINANCE §110.02 PEDDLING, HAWKING AND THE LIKE AS RECOMMENDED AND SUBMITTED TO THE COUNCIL. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Public Comments**

Bill Satterfield 103 Olde Oak Lane – Thanked the Council for tabling the Public Records Request Policy.

Charles Nern 647 Oyster Bay Drive – Expressed that a Public Records Request Policy is needed.

**Closed Session**

MAYOR PRO-TEM DEVITA MADE A MOTION TO GO INTO CLOSED SESSION TO:

- a. Approve the March 7, 2011 Closed Session Minutes to prevent the disclosure of information that may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session pursuant to NCGS 143-318.10(e); and,
- b. Instruct the town attorney concerning the handling of the action entitled "Margaret K. McCarrel vs. State of North Carolina and Town of Sunset Beach, 10 SP 1205" pursuant to NCGS 143-318.11 (a) (3) and consult with the town attorney in order to preserve the attorney-client privilege.

COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

The Council met in Closed Session for approximately thirty (30) minutes.

COUNCILMAN SHERRILL MADE A MOTION TO RETURN TO THE REGULAR MEETING. COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Closed Session (Cont.)**

COUNCILWOMAN SCOTT MADE A MOTION TO RECONVENE THE REGULAR COUNCIL MEETING. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Mayor Klein advised that during the Closed Session the Council approved the March 7, 2011 Closed Session Minutes and instructed the Town Attorney concerning the handling of the action entitled "Margaret K. McCarrel vs. State of North Carolina and Town of Sunset Beach, 10 SP 1205".

**Adjournment**

COUNCILWOMAN SCOTT MADE A MOTION TO ADJOURN THE APRIL 4, 2011 COUNCIL MEETING. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR KLEIN CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Town of Sunset Beach**

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**Ronald F. Klein, Mayor**

Submitted by:

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**Lisa Anglin, Town Clerk**